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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,617	11/25/2003	Christopher Stewart	PD-203076	1077
20991	7590	02/28/2006	EXAMINER	
THE DIRECTV GROUP INC				PAIK, STEVE S
PATENT DOCKET ADMINISTRATION RE/R11/A109				ART UNIT
P O BOX 956				PAPER NUMBER
EL SEGUNDO, CA 90245-0956				2876

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RC

Office Action Summary	Application No.	Applicant(s)	
	10/723,617	STEWART, CHRISTOPHER	
	Examiner	Art Unit	
	Steven S. Paik	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 March 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. In view of the Appeal Brief filed on December 1, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Michael G. Lee

SPE in AU 2876

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (US 5,091,618).

Re claim 4, Takahashi discloses an IC card reader (102) for usage with a smart card (7) to reduce card abrasion (Figs. 1-7 disclose a reduced contact between a card substrate of the IC card and the card reader) comprising:

an open receptacle (base plate 6), where the receptacle includes at least one open side (Fig. 1);

a receptacle lip (6a and 6b) extending over a lateral side of the receptacle and a portion of two adjoining longitudinal sides of the receptacle (3b and the first and second lateral walls include guide members to support and guide the IC card travel path by design) to cover a portion edge of the receptacle (6) and securing the placement of the smart card in the receptacle (col. 4, ll. 13-42); and

a plurality of contacts (contact springs 1) residing within the receptacle (see Fig. 1) where the plurality of contacts connects to a smart chip (8) within the smart card (7) upon placement of the smart card in the receptacle (Fig. 1-3 and 5-7).

Re claim 5, Takahashi discloses the IC card reader as recited in rejected claim 4 stated above, wherein said receptacle lip resiliently maintains the smart card (7) in contact with the plurality of contacts (Fig. 2 and 3; col. 4, ll. 13-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 5,091,618) in view of Casey et al. (US 5,511,986).

Re claims 1-3 and 6, Takahashi discloses a smart card reader (IC card reader/writer 102) for usage with a smart card (IC card 7) to reduce card abrasion (Figs. 1-7 disclose a reduced contact between a card substrate of the IC card and the card reader) and a method of retaining a smart card to reduce card abrasion comprising:

an open receptacle (base plate 6), where the receptacle includes at least one open side (Figs. 2, 3 and 5-7 disclose the top side of the receptacle is open), a bottom surface (base plate 6), a first lateral wall (6a in Fig. 1), a second lateral wall (6b) and a longitudinal wall (a portion where the arm is mounted on; see col. 3, ll. 64+);

a plurality of contacts (contact springs 1) residing within the receptacle where the plurality of contacts connects to a smart chip (IC terminal portion 8) within the smart card (7 in Fig. 1) upon placement of the smart card in the receptacle (col. 4, ll. 13-42);

a contact plate (contact spring frame 2) within the receptacle of the card reader (102) that includes the plurality of contacts (contact springs 1); and

a plurality of electrical leads from the contact plate (col. 3, ll. 58+ and col. 4, ll. 51+).

However, Takashi does not specifically disclose at least one placement tab that extends from the first lateral wall, the second lateral wall, and longitudinal wall into the receptacle and secures the placement of the smart card in the receptacle.

Casey et al. disclose an IC memory card (smart card) connector (Figs. 1-6) that comprises, among other things, a placement tab (guide grooves 28; Figs. 5 and 6) along the side portion (20) of the connector. The grooves obviously define the IC card pathway while keeping the IC card in a secure position respect to the connecting section 22.

In view of Casey et al.'s teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ a placement tab within an IC card connector in addition to the IC card reader of Takahashi due to the fact that an IC card can be more securely inserted into an opening of the IC card reader and maintained within the card reading position for the purposes of reliably reading the card data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 5:30a-2:00p (Maxi-Flex*).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven S. Paik
Primary Examiner
Art Unit 2876

ssp



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